

The Protection of Personal Information (POPI) Act

What is it? What should you do about it?

Do you remember the old story about how to get things moving? That's right, the one about the stick and the carrot. Well now we have something new to focus our attention on: The Protection of Personal Information (POPI) Act. The POPI Act was signed into law in late 2013, and partially came into force during 2014. The Information Regulator came into office on 1 December 2016 and the compliance transition period POPI Act is expected to start soon.

So where are the "stick and carrot" for POPI Act compliance? Think about how broad the definition of "personal information" can be: customers, employees, suppliers, in fact anyone we interact with as an organisation has personal information. Get it wrong in terms of compliance with the POPI Act and potentially stiff penalties could be heading your way, with fines of up to R10 million and potential time behind bars, as well as reputational damage and potential loss of income as a result. That's the "stick" part of the story.

Get it right in processing personal information in accordance with the POPI Act and you can enhance your reputation with all your stakeholders. The "carrot" aspect also recognises the opportunity to boost confidence in your business by demonstrating the way you provide leadership and good governance in the way you process personal information. Get really creative and you will discover the POPI Act can help you to create new products and services, address new markets and keep ahead of your competitors while delighting your stakeholders.

What can organisations do to prepare for the POPI Act?

International and local experience has shown that one of the best ways to prepare for new legislation is to prepare your staff by evaluating how best to train them to act in a way that supports the commitment to comply with the POPI Act. This includes both explaining the objectives of the legislation and the "dos and don'ts" of compliance.

What are some examples of what POPI Act compliance means for my organisation and its stakeholders?

Personal information such as employee and customer information will have to be protected and processed in a compliant way, in accordance with the conditions of the POPI Act;

- Employee and customer information may not be disclosed to another party without the data subject's consent;
- Employee and customer information will have to be destroyed in a compliant manner when the purpose for which the information is held is no longer valid;
- Steps should be taken to ensure that personal information stored on all types of media – electronic or not - is adequately protected.
- Everyone in your organisation will need to be trained to understand their responsibilities under the POPI Act.

POPI Act 8 Conditions for lawful processing

Accountability = assigning ownership in your organisation;

Processing Limitation = for lawful reasons and in a manner that does not infringe privacy;

Purpose Specification = processing for a specific purpose;

Further Processing Limitation = Further processing of personal information must be compatible with the purpose for which it was collected;

Information Quality = ensuring that information is complete and accurate;

Openness = informing individuals that their information has been obtained and the purpose thereof;

Security safeguards = the integrity of personal information must be secured using appropriate, reasonable, technical and organisational measures;

Data Subject Participation = a data subject has the right to request access to their personal information that you hold; to request the information is deleted or corrected if appropriate

TRAINING OPTIONS FOR POPI ACT AWARENESS

CLASSROOM-BASED POPI ACT COMPLIANCE TRAINING

This facilitator-led classroom-based training can be delivered at a venue of your choice. There is a train-the-trainer option where larger organisations may prefer to develop their own in-house training capability. Pricing for classroom-based training are quoted to meet specific customer needs in terms of group size and location.

POPI Act compliance for Employees

This 2-hour training module focuses on the practical aspects of understanding the essential elements of the purpose of the POPI Act and what actions employees must take. It covers employee rights and responsibilities giving practical advice for everyday use.

POPI Act compliance for Management Training

This 1-hour training module focuses on management responsibilities when carrying out supervisory and enforcement action to ensure compliance with the POPI Act by employees. It should be taken in addition to the POPI Act compliance for Employees module.

POPI Act compliance for Owners and Directors

This 1-hour training module focuses on organisation owners and policy makers in terms of their executive responsibilities when developing and implementing policies for compliance with the POPI Act by the organisation. This module provides the governance, risk and compliance context when dealing with internal and external stakeholders. This module should be taken in addition to the POPI Act compliance for Employees module.

E-LEARNING-BASED POPI ACT COMPLIANCE TRAINING

In partnership with Media Works (www.mediaworks.co.za) IACT-Africa has developed “POPI Works” a 1-hour e-Learning course for your employees of six modules including a formal assessment. This e-Learning course can be delivered to the trainee’s desktop, laptop, Smart Phone or Tablet. The course may be hosted in-house or using Media Works own cloud-based delivery service. The cost of the training is based on a per-trainee annual licence and is subject to quotation depending on the number of licences required.

IACT-AFRICA POPI ACT COMPLIANCE PRODUCTS

IACT-Africa has also developed a range of products to support compliance with the POPI Act.

IACT-Africa POPI Compliance Toolkit: Essentials, Core and Extended Licence

The IACT-Africa POPI Compliance Toolkit can be configured and priced to meet the needs of organisations from the small independent business up to the largest of multi-division enterprises. The Toolkit includes practical tools to support identifying risks of non-compliance and templates and other materials which support corrective action which may be required. Use of the Toolkit is supported by a range of IACT-Africa Support Services for both on-site and remote support of your preparation for POPI Act compliance.

For more information please visit the POPI page on our website <http://www.iact-africa.com/popi.html>.

To contact us: John Cato 083-726-9228; Dr Peter Tobin, 083-922-3444; Office 010-500-1038; on the web <http://www.iact-africa.com/contact-us.html>. You may also follow us on Twitter: @sapopitalk.